

**IC 31-9**

**ARTICLE 9. DEFINITIONS**

**IC 31-9-1**

**Chapter 1. General Provisions**

**IC 31-9-1-1**

Sec. 1. Except as otherwise provided, the definitions in this article apply throughout this title.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-1-2**

Sec. 2. Except as otherwise provided, the definitions in this article do not apply to the following:

- (1) IC 31-11-3.
- (2) IC 31-17-3.
- (3) IC 31-18.
- (4) IC 31-19-29.
- (5) IC 31-37-23.

*As added by P.L.1-1997, SEC.1.*

## **IC 31-9-2**

### **Chapter 2. Definitions**

#### **IC 31-9-2-0.5**

Sec. 0.5. (a) "Abandoned infant", for purposes of IC 31-34-21-5.6, means:

(1) a child who is less than twelve (12) months of age and whose parent, guardian, or custodian has knowingly or intentionally left the child in:

(A) an environment that endangers the child's life or health; or

(B) a hospital or medical facility;

and has no reasonable plan to assume the care, custody, and control of the child; or

(2) a child who is, or who appears to be, not more than forty-five (45) days of age and whose parent:

(A) has knowingly or intentionally left the child with an emergency medical services provider; and

(B) did not express an intent to return for the child.

(b) "Abandoned infant", for purposes of IC 31-34-21-4 and IC 31-35-2-6.5, means a child who is, or who appears to be, not more than forty-five (45) days of age and whose parent:

(1) has knowingly or intentionally left the child with an emergency medical services provider; and

(2) did not express an intent to return for the child.

*As added by P.L.35-1998, SEC.2. Amended by P.L.133-2000, SEC.1; P.L.217-2001, SEC.2.*

#### **IC 31-9-2-1**

Sec. 1. "Actual notice", for purposes of IC 31-19-3, means written notice that is actually received by the putative father.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-2**

Sec. 2. "Adoptee", for purposes of IC 31-19-17 through IC 31-19-24, means a person who has been legally adopted.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-3**

Sec. 3. "Adoption", for purposes of IC 31-19-17 through IC 31-19-24, means the judicial act of creating the relationship of parent and child where the relationship did not exist previously.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-4**

Sec. 4. "Adoption assistance state", for purposes of the Interstate Compact on Adoption Assistance under IC 31-19-29, has the meaning set forth in IC 31-19-29-2.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-5**

Sec. 5. "Adoption history", for purposes of IC 31-19-17 through

IC 31-19-24, means:

- (1) identifying information (as defined in section 54 of this chapter);
- (2) the medical history (as defined in section 78 of this chapter);
- and
- (3) nonidentifying information (as defined in section 84 of this chapter).

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-6**

Sec. 6. "Adoptive parent", for purposes of IC 31-19-17 through IC 31-19-24, means an adult who has become a parent of a child through adoption.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-7**

Sec. 7. (a) "Adult", for purposes of IC 31-19-17 through IC 31-19-24, means a person who is at least twenty-one (21) years of age.

(b) "Adult", for purposes of the juvenile law, means a person other than a child.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-8**

Sec. 8. "Advisory board", for purposes of IC 31-31-9, refers to the juvenile detention center advisory board described in IC 31-31-9.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-9**

Sec. 9. "Alleged father", for purposes of IC 31-14, means any man claiming to be or charged with being a child's biological father.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-10**

Sec. 10. "Birth parent", for purposes of IC 31-19-17 through IC 31-19-24, means:

- (1) the woman who is legally presumed under Indiana law to be the mother of biological origin of an adoptee;
- (2) the man who is legally presumed under Indiana law to be the father of biological origin of an adoptee; or
- (3) a man who establishes paternity of a child born out of wedlock:

(A) in a court proceeding; or

(B) by executing a paternity affidavit under IC 16-37-2-2.1.

*As added by P.L.1-1997, SEC.1. Amended by P.L.197-1997, SEC.1.*

#### **IC 31-9-2-11**

Sec. 11. "Caseworker", for purposes of the juvenile law, means a child welfare worker of the county office of family and children.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-12**

Sec. 12. "Center", for purposes of IC 31-31-9, means any secure juvenile detention center that operates in a county containing a consolidated city except for a center operated by the federal government. The term includes a juvenile detention facility.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-13**

Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16, and IC 31-17, means a child or children of both parties to the marriage. The term includes the following:

- (1) Children born out of wedlock to the parties.
- (2) Children born or adopted during the marriage of the parties.

(b) "Child", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-2.

(c) "Child", for purposes of IC 31-19-5, includes an unborn child.

(d) "Child", for purposes of the juvenile law, means:

- (1) a person who is less than eighteen (18) years of age;
- (2) a person:
  - (A) who is eighteen (18), nineteen (19), or twenty (20) years of age; and
  - (B) who either:
    - (i) is charged with a delinquent act committed before the person's eighteenth birthday; or
    - (ii) has been adjudicated a child in need of services before the person's eighteenth birthday; or
- (3) a person:
  - (A) who is alleged to have committed an act that would have been murder if committed by an adult; and
  - (B) who was less than eighteen (18) years of age at the time of the alleged act.

(e) "Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-14**

Sec. 14. (a) "Child abuse or neglect", for purposes of IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to a child who is alleged to be a child in need of services as described in IC 31-34-1-1 through IC 31-34-1-5.

(b) The term does not include a child who is alleged to be a child in need of services if the child is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-15**

Sec. 15. "Child born in wedlock", for purposes of IC 31-19-9, means a child born to:

- (1) a woman; and

(2) a man who is presumed to be the child's father under IC 31-14-7-1(1) or IC 31-14-7-1(2) unless the presumption is rebutted.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-16**

Sec. 16. "Child born out of wedlock", for purposes of IC 31-19-3, IC 31-19-4-4, and IC 31-19-9, means a child who is born to:

(1) a woman; and

(2) a man who is not presumed to be the child's father under IC 31-14-7-1(1) or IC 31-14-7-1(2).

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-16.5**

Sec. 16.5. "Child care provider", for purposes of IC 31-33-17, has the meaning set forth in IC 31-33-17-0.5.

*As added by P.L.36-2001, SEC.1.*

#### **IC 31-9-2-17**

Sec. 17. "Child in need of services", for purposes of IC 31-34, means a child described in IC 31-34-1.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-18**

Sec. 18. "Child support guidelines", for purposes of IC 31-14-11-8 and IC 31-16-8-1, refers to the guidelines adopted by the Indiana supreme court.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-19**

Sec. 19. "Child support order", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-3.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-20**

Sec. 20. "Child with a disability", for purposes of IC 31-34-1-9, means an individual who:

(1) is less than eighteen (18) years of age; and

(2) has a disability (as defined in IC 22-9-1-3(r)).

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-21**

Sec. 21. "Committee", for purposes of IC 31-38, refers to a local coordinating committee established by IC 31-38.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-22**

Sec. 22. "Compact", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-2.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-23**

Sec. 23. "Contestant", for purposes of the Uniform Child Custody Jurisdiction Law under IC 31-17-3, has the meaning set forth in IC 31-17-3-2.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-24**

Sec. 24. "Controlled substance", for purposes of the juvenile law, has the meaning set forth in IC 35-48-1.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-25**

Sec. 25. "Council", for purposes of IC 31-31-9, refers to the city-county council of the consolidated city within the county.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-26**

YAMD.1997

Sec. 26. "County office", for purposes of the juvenile law, refers to a county office of family and children.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-27**

Sec. 27. (a) "Court", for purposes of IC 31-15, IC 31-16, and IC 31-17, means the circuit, superior, or other courts of Indiana upon which jurisdiction to enter dissolution decrees has been or may be conferred.

(b) "Court", for purposes of IC 31-16-15, refers to the court having jurisdiction over child support orders.

(c) "Court", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-3.

(d) "Court", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-28**

Sec. 28. "Court appointed special advocate", for purposes of IC 31-15-6, IC 31-17-6, IC 31-19-16, IC 31-19-16.5, and the juvenile law, means a community volunteer who:

- (1) has completed a training program approved by the court;
- (2) has been appointed by a court to represent and protect the best interests of a child; and
- (3) may research, examine, advocate, facilitate, and monitor a child's situation.

*As added by P.L.1-1997, SEC.1. Amended by P.L.196-1997, SEC.1; P.L.14-2000, SEC.63.*

**IC 31-9-2-29**

Sec. 29. "Crime", for purposes of the juvenile law, means an offense for which an adult might be imprisoned or incarcerated if convicted

under the law of the jurisdiction in which the offense is committed.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-30**

Sec. 30. "Custodial parent", for purposes of IC 31-14-13-8, IC 31-14-15, IC 31-17-2-22, and IC 31-17-4, means the parent who has been awarded physical custody of a child by a court.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-31**

Sec. 31. (a) "Custodian", for purposes of the juvenile law, means a person with whom a child resides.  
(b) "Custodian", for purposes of IC 31-34-1-1 through IC 31-34-1-9, includes any person responsible for the child's welfare who is employed by a public or private residential school or foster care facility.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-32**

Sec. 32. "Custody decree" or "decree", for purposes of the Uniform Child Custody Jurisdiction Law under IC 31-17-3, has the meaning set forth in IC 31-17-3-2.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-33**

Sec. 33. "Custody determination", for purposes of the Uniform Child Custody Jurisdiction Law under IC 31-17-3, has the meaning set forth in IC 31-17-3-2.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-34**

Sec. 34. "Custody proceeding", for purposes of the Uniform Child Custody Jurisdiction Law under IC 31-17-3, has the meaning set forth in IC 31-17-3-2.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-35**

Sec. 35. "Decree" or "custody decree", for purposes of the Uniform Child Custody Jurisdiction Law under IC 31-17-3, has the meaning set forth in IC 31-17-3-2.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-35.5**

Sec. 35.5. "De facto custodian", for purposes of IC 31-14-13 and IC 31-17-2, means a person who has been the primary caregiver for, and financial support of, a child who has resided with the person for at least:

- (1) six (6) months if the child is less than three (3) years of age;  
or
- (2) one (1) year if the child is at least three (3) years of age.

Any period after a child custody proceeding has been commenced may not be included in determining whether the child has resided with the

person for the required minimum period. The term does not include a person providing care for a child in a foster family home (as defined in IC 12-7-2-90).

*As added by P.L.96-1999, SEC.1.*

#### **IC 31-9-2-36**

Sec. 36. (a) "Delinquent", for purposes of IC 31-16-15, refers to a situation in which an obligor is the equivalent of one (1) month in arrears in the payment of child support ordered by a court.

(b) "Delinquent", for purposes of IC 31-16-16, refers to a situation in which an obligor is in arrears in the payment of child support ordered by a court in Indiana or another state that has jurisdiction over the support order.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-37**

Sec. 37. (a) "Delinquent child", for purposes of the juvenile law, except as provided in subsection (b), means:

- (1) a child described in IC 31-37-1-1; or
- (2) a child described in IC 31-37-2-1.

(b) "Delinquent child", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-4.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-38**

Sec. 38. "Delinquent juvenile", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-39**

Sec. 39. "Dependent child" or "neglected child", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-5.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-40**

Sec. 40. "Director", for purposes of IC 31-33, IC 31-34, and IC 31-37, refers to the director of the division of family and children.

*As added by P.L.1-1997, SEC.1. Amended by P.L.55-1997, SEC.10.*

#### **IC 31-9-2-41**

Sec. 41. "Dissolution decree", for purposes of IC 31-15, IC 31-16, and IC 31-17, means a judicial decree entered in a proceeding for the dissolution of marriage which:

- (1) has the effect of terminating the marriage and restoring the parties to the state of unmarried persons; and
- (2) may include those matters set forth in IC 31-15-2-16.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-41.2**



YAMD.1999

Sec. 41.2. "Division", for purposes of IC 31-40, means the division of family and children established by IC 12-13-1-1.

*As added by P.L.273-1999, SEC.95.*

#### **IC 31-9-2-42**

Sec. 42. "Domestic violence", for purposes of IC 31-14-13-2, IC 31-15, IC 31-16, and IC 31-17, includes conduct found by a court to be physical or sexual abuse against a party or child of a party, including conduct that is an element of an offense under IC 35-42, regardless of whether the conduct results in a criminal prosecution or occurs in the presence of a child of the parties. The term does not include:

- (1) negligence or defamation by one (1) parent against the other parent or the child; or
- (2) reasonable acts of self defense used to protect a parent or child from the conduct of the other parent.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-43**

Sec. 43. "Duty of support", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-4.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-43.5**

Sec. 43.5. "Emergency medical services provider" has the meaning set forth in IC 16-41-10-1.

*As added by P.L.133-2000, SEC.2.*

#### **IC 31-9-2-44**

Sec. 44. "Executive authority", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-6.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-45**

Sec. 45. "Family services", for purposes of the juvenile law, means services provided to:

- (1) prevent a child from being removed from a parent, guardian, or custodian;
- (2) reunite the child with a parent, guardian, or custodian; or
- (3) implement a permanent plan of adoption, guardianship, or emancipation of a child.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-46**

YAMD.1997

Sec. 46. "Final separation", for purposes of IC 31-15-7, means the date of filing of the petition for dissolution of marriage under IC 31-15-2-4 (or IC 31-1-11.5-3 before its repeal). However, if:

(1) a legal separation proceeding involving the parties was pending when the petition for dissolution of marriage under IC 31-15-2-4 (or IC 31-1-11.5-3 before its repeal) was filed; or  
(2) a provisional order or final decree for legal separation of the parties was in effect when the petition for dissolution of marriage under IC 31-15-2-4 (or IC 31-1-11.5-3 before its repeal) was filed; the term means the date that the petition for legal separation was filed under IC 31-15-3-4 (or IC 31-1-11.5-3 before its repeal).  
*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-47**

Sec. 47. "Foster parent", for purposes of the juvenile law, means an individual who provides care and supervision to a child in:  
(1) a foster family home (as defined in IC 12-7-2-90); or  
(2) a home approved as a foster family home under IC 12-17.4.  
*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-48**

Sec. 48. "Governor", for purposes of IC 31-18-8 in the Uniform Interstate Family Support Act, has the meaning set forth in IC 31-18-8-1(a).  
*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-49**

Sec. 49. "Guardian", for purposes of the juvenile law, means a person appointed by a court to have the care and custody of a child or the child's estate, or both.  
*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-50**

Sec. 50. "Guardian ad litem", for purposes of IC 31-15-6, IC 31-16-3, IC 31-19-16, IC 31-19-16.5, and the juvenile law, means an attorney, a volunteer, or an employee of a county program designated under IC 33-2.1-7-3.1 who is appointed by a court to:

- (1) represent and protect the best interests of a child; and
- (2) provide the child with services requested by the court, including:
  - (A) researching;
  - (B) examining;
  - (C) advocating;
  - (D) facilitating; and
  - (E) monitoring;the child's situation.

A guardian ad litem who is not an attorney must complete the same court approved training program that is required for a court appointed special advocate under section 28 of this chapter.

*As added by P.L.1-1997, SEC.1. Amended by P.L.196-1997, SEC.2; P.L.2-1998, SEC.72.*

#### **IC 31-9-2-51**

Sec. 51. "Hard to place child" or "hard to place children", for

purposes of IC 31-19, means a child who is or children who are disadvantaged:

- (1) because of:
  - (A) ethnic background;
  - (B) race;
  - (C) color;
  - (D) language;
  - (E) physical, mental, or medical disability; or
  - (F) age; or
- (2) because the child or children are members of a sibling group that should be placed in the same home.

*As added by P.L.1-1997, SEC.1. Amended by P.L.200-1999, SEC.1.*

#### **IC 31-9-2-52**

Sec. 52. "Health care provider", for purposes of IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, means any of the following:

- (1) A licensed physician, intern, or resident.
- (2) An osteopath.
- (3) A chiropractor.
- (4) A dentist.
- (5) A podiatrist.
- (6) A registered nurse or other licensed nurse.
- (7) A mental health professional.
- (8) A paramedic or an emergency medical technician.
- (9) A social worker, an x-ray technician, or a laboratory technician employed by a hospital.
- (10) A pharmacist.
- (11) A person working under the direction of any of the practitioners listed in subdivisions (1) through (10).

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-53**

Sec. 53. (a) "Home state", for purposes of the Uniform Child Custody Jurisdiction Law under IC 31-17-3, has the meaning set forth in IC 31-17-3-2.

(b) "Home state", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-5.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-54**

Sec. 54. "Identifying information", for purposes of IC 31-19-9-6 and IC 31-19-17 through IC 31-19-25, means:

- (1) any name that a party to an adoption has used or is using;
- (2) any address that a party to an adoption has used or is using;
- (3) the original certificates of birth stored with the state department of health with evidence of adoption under IC 31-19-13-2; and
- (4) any other information, except the medical history, that may identify a person as a party to an adoption or as a birth parent, an adoptee, or an adoptive parent.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-55**

Sec. 55. "Includes" means includes but is not limited to.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-56**

Sec. 56. "Income", for purposes of IC 31-16-15, IC 31-16-16, and the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-6.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-57**

Sec. 57. "Income payor", for purposes of IC 31-16-15, IC 31-16-16, and the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-7.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-58**

Sec. 58. "Income withholding order", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC-31-18-1-8.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-59**

Sec. 59. "Initial decree", for purposes of the Uniform Child Custody Jurisdiction Law under IC 31-17-3, has the meaning set forth in IC 31-17-3-2.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-60**

Sec. 60. "Initiating state", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-9.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-61**

Sec. 61. "Initiating tribunal", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-10.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-62**

Sec. 62. "Intake officer", for purposes of the juvenile law, means a probation officer or a caseworker who performs the intake, preliminary inquiry, or other functions specified by the juvenile court or by the juvenile law.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-63**

Sec. 63. "Intended biological parent", for purposes of sections 126 and 127 of this chapter, means a party to a surrogate agreement who:  
(1) agrees to be or is genetically related to a child borne by a

surrogate; and  
(2) is not the surrogate's spouse.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-64**

Sec. 64. "Interested person", for purposes of IC 31-19-20 and IC 31-19-24, means any of the following:

- (1) An adoptee.
- (2) A birth parent.
- (3) An adoptive parent.
- (4) A relative of a birth parent.
- (5) A relative of an adoptive parent.
- (6) The division of family and children or county office of family and children.
- (7) An adoption agency.
- (8) A court.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-65**

Sec. 65. "Issuing state", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-11.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-66**

Sec. 66. "Issuing tribunal", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-12.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-67**

Sec. 67. "Joint legal custody", for purposes of IC 31-17-2-13, IC 31-17-2-14, and IC 31-17-2-15, means that the persons awarded joint custody will share authority and responsibility for the major decisions concerning the child's upbringing, including the child's education, health care, and religious training.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-68**

Sec. 68. "Judge", for purposes of the juvenile law, refers to the judge of the juvenile court.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-69**

Sec. 69. "Juvenile", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-70**

Sec. 70. "Juvenile court", for purposes of the juvenile law, refers to

a court having juvenile jurisdiction.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-71**

Sec. 71. "Juvenile detention facility", for purposes of the juvenile law, means a facility described in IC 31-31-8-2.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-72**

Sec. 72. "Juvenile law" refers to IC 31-30 through IC 31-40.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-73**

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Sec. 73. "Law", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-13.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-74**

Sec. 74. "Law enforcement agency", for purposes of IC 31-36, means a governmental agency or department whose principal function is the apprehension of criminal offenders.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-75**

Sec. 75. "Legal settlement", for purposes of IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, and IC 31-37-20-6, has the meaning set forth in IC 20-8.1-1-7.1.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-76**

Sec. 76. "Legend drug", for purposes of the juvenile law, has the meaning set forth in IC 16-18-2-199.  
*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-77**

Sec. 77. "Maternal or paternal grandparent", for purposes of IC 31-17-5, includes:

- (1) the adoptive parent of the child's parent;
- (2) the parent of the child's adoptive parent; and
- (3) the parent of the child's parent.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-78**

Sec. 78. "Medical history", for purposes of IC 31-19-18 through IC 31-19-20, means:

- (1) a comprehensive report required by IC 31-19-2-7; and
- (2) any voluntary medical information transmitted to the state registrar under IC 31-19-18-3.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-79**

Sec. 79. "Medical information", for purposes of IC 31-19-18, IC 31-19-20, and IC 31-19-24, means any information that may affect the medical history of an adoptee.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-80**

Sec. 80. "Member agency", for purposes of IC 31-38, means:

- (1) a county office of family and children;
- (2) a school corporation (as defined in IC 20-5-1-3(a));
- (3) a community mental health center (as defined in IC 12-7-2-38); or
- (4) a managed care provider (as defined in IC 12-7-2-127(b));

that is represented on a local coordinating committee by a voting member.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-81**

Sec. 81. "Modification decree", for purposes of the Uniform Child Custody Jurisdiction Law under IC 31-17-3, has the meaning set forth in IC 31-17-3-2.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-82**

Sec. 82. "Neglected child" or "dependent child", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-5.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-83**

Sec. 83. "Noncustodial parent", for purposes of IC 31-14-13-10, IC 31-14-15, and IC 31-17-4, means the parent who is not the custodial parent.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-84**

Sec. 84. "Nonidentifying information", for purposes of IC 31-19-18, IC 31-19-21, IC 31-19-23, and IC 31-19-24, means any information, other than a medical history, that:

- (1) concerns an interested person to an adoption; and
- (2) does not identify a birth parent, an adoptive parent, or an adoptee.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-85**

Sec. 85. (a) "Obligee", for purposes of IC 31-16-16, means a person who is entitled to receive a payment under a support order.

(b) "Obligee" or "petitioner", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-14.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-86**

Sec. 86. (a) "Obligor", for purposes of IC 31-16-15 and IC 31-16-16, means an individual who has been ordered by a court to pay child support.

(b) "Obligor" or "respondent", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-15.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-87**

Sec. 87. "Omission", for purposes of IC 31-34-1-2, means an occurrence in which the parent, guardian, or custodian allowed the child of the parent, guardian, or custodian to receive an injury that the parent, guardian, or custodian had a reasonable opportunity to prevent or mitigate.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-88**

Sec. 88. "Parent", for purposes of the juvenile law, means a biological or an adoptive parent. Unless otherwise specified, the term includes both parents, regardless of their marital status.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-89**

Sec. 89. "Person", for purposes of the juvenile law, means:

- (1) a human being;
- (2) a corporation;
- (3) a limited liability company;
- (4) a partnership;
- (5) an unincorporated association; or
- (6) a governmental entity.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-90**

Sec. 90. "Person acting as parent", for purposes of the Uniform Child Custody Jurisdiction Law under IC 31-17-3, has the meaning set forth in IC 31-17-3-2.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-91**

Sec. 91. "Petitioner" or "obligee", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-14.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-92**

Sec. 92. "Physical custody", for purposes of the Uniform Child Custody Jurisdiction Law under IC 31-17-3, has the meaning set forth in IC 31-17-3-2.



*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-92.5**

Sec. 92.5. (a) "Plan", for purposes of IC 31-34-24, has the meaning set forth in IC 31-34-24-1.

(b) "Plan", for purposes of IC 31-37-24, has the meaning set forth in IC 31-37-24-1.

*As added by P.L.55-1997, SEC.11.*

**IC 31-9-2-93**

Sec. 93. "Pre-adoptive sibling", for purposes of:

- (1) IC 31-19-18;
- (2) IC 31-19-16.5; and
- (3) IC 31-19-25;

means a sibling of an adoptee who is born before the date that the adoptee's adoption is finalized.

*As added by P.L.1-1997, SEC.1. Amended by P.L.196-1997, SEC.3; P.L.2-1998, SEC.73.*

**IC 31-9-2-94**

Sec. 94. "Preliminary inquiry", for purposes of IC 31-34 and IC 31-37, means an informal investigation into the facts and circumstances reported to the court.

*As added by P.L.1-1997, SEC.1. Amended by P.L.197-1997, SEC.2; P.L.2-1998, SEC.74.*

**IC 31-9-2-95**

Sec. 95. "Premarital agreement", for purposes of the Uniform Premarital Agreement Act under IC 31-11-3, has the meaning set forth in IC 31-11-3-2.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-96**

Sec. 96. "Prior family law and juvenile law", for purposes of IC 31-10, refers to the statutes that are repealed or amended in the recodification act of the 1997 regular session of the general assembly as the statutes existed before the effective date of the applicable or corresponding provision of the recodification act of the 1997 regular session of the general assembly.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-97**

Sec. 97. "Probation or parole", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-98**

Sec. 98. (a) "Property", for purposes of the Uniform Premarital Agreement Act under IC 31-11-3, has the meaning set forth in IC 31-11-3-3.

(b) "Property", for purposes of IC 31-15, IC 31-16, and IC 31-17, means all the assets of either party or both parties, including:

- (1) a present right to withdraw pension or retirement benefits;
- (2) the right to receive pension or retirement benefits that are not forfeited upon termination of employment or that are vested (as defined in Section 411 of the Internal Revenue Code) but that are payable after the dissolution of marriage; and
- (3) the right to receive disposable retired or retainer pay (as defined in 10 U.S.C. 1408(a)) acquired during the marriage that is or may be payable after the dissolution of marriage.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-99**

Sec. 99. "Prosecuting attorney", for purposes of the juvenile law, means the prosecuting attorney or the prosecuting attorney's deputy of the judicial circuit where the juvenile court is located.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-100**

Sec. 100. "Putative father", for purposes of IC 31-19 and IC 31-35-1, means a male of any age who is alleged to be or claims that he may be a child's father but who:

- (1) is not presumed to be the child's father under IC 31-14-7-1(1) or IC 31-14-7-1(2); and
- (2) has not established paternity of the child:
  - (A) in a court proceeding; or
  - (B) by executing a paternity affidavit under IC 16-37-2-2.1; before the filing of an adoption petition.

*As added by P.L.1-1997, SEC.1. Amended by P.L.200-1999, SEC.2.*

#### **IC 31-9-2-101**

Sec. 101. "Reason to believe", for purposes of IC 31-33, means evidence that, if presented to individuals of similar background and training, would cause the individuals to believe that a child was abused or neglected.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-102**

Sec. 102. "Receiving state", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-103**

Sec. 103. "Referring agency", for purposes of IC 31-38, means:

- (1) a juvenile court;
- (2) a court having civil jurisdiction;
- (3) a community mental health center or managed care provider (as defined in IC 12-7-2-127(b));
- (4) a county office of family and children; or
- (5) a school corporation;

that proposes to make a restrictive placement or recommend a restrictive placement to a person with the authority to make a restrictive placement.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-104**

Sec. 104. "Register", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-16.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-105**

Sec. 105. "Registering tribunal", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-17.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-106**

Sec. 106. (a) "Registry", for purposes of IC 31-19-5, refers to the putative father registry established by IC 31-19-5-2.

(b) "Registry", for purposes of IC 31-33, refers to the child abuse registry established by the division of family and children under IC 31-33-17.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-107**

Sec. 107. "Relative", for purposes of IC 31-19-18, means:

- (1) an adoptive or whole blood related parent;
- (2) a sibling; or
- (3) a child.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-108**

Sec. 108. "Residence", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-109**

Sec. 109. "Residence state", for purposes of the Interstate Compact on Adoption Assistance under IC 31-19-29, has the meaning set forth in IC 31-19-29-2.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-110**

Sec. 110. "Respondent" or "obligor", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-15.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-111**

Sec. 111. "Responding state", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-18.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-112**

Sec. 112. "Responding tribunal", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-19.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-113**

Sec. 113. "Restrictive placement", for purposes of IC 31-38, means a residential placement of a child at a residence other than:

- (1) the home of the child's parent, grandparent, sibling, aunt, uncle, cousin, stepparent, or guardian; or
- (2) a residence that is:
  - (A) located in the child's county of residence; and
  - (B) maintained by a person as the person's home.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-114**

Sec. 114. "Secure facility", for purposes of the juvenile law, means a place of residence, other than a shelter care facility, that prohibits the departure of a child.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-115**

Sec. 115. "Secure private facility", for purposes of the juvenile law, means the following:

- (1) A facility that is licensed under IC 12-17-4 and IC 12-17.4 to operate as a secure private facility.
- (2) A private facility that is licensed in another state to provide residential care and treatment to one (1) or more children in a secure facility other than a detention center, prison, jail, or similar correctional facility.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-116**

Sec. 116. "Sending state", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-117**

Sec. 117. "Shelter care facility", for purposes of the juvenile law, means a place of residence that:

- (1) is licensed under the laws of any state; and
- (2) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-118**

Sec. 118. "Spousal support order", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-20.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-119**

Sec. 119. (a) "State", for purposes of the Uniform Child Custody Jurisdiction Law under IC 31-17-3, has the meaning set forth in IC 31-17-3-2.

(b) "State", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-21.

(c) "State", for purposes of the Interstate Compact on Adoption Assistance under IC 31-19-29, has the meaning set forth in IC 31-19-29-2.

(d) "State", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-120**

Sec. 120. "State department", for purposes of IC 31-19-5, refers to the state department of health.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-121**

IC 31-9-2-121 Sec. 121. "State registrar", for purposes of IC 31-19-18 through IC 31-19-25, means the person who:

(1) is in charge of the division of the state department of health that administers the system of vital records; and

(2) has charge of the files and records pertaining to vital records.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-122**

Sec. 122. "Substantially similar law", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-22.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-123**

Sec. 123. "Substantiated", for purposes of IC 31-33, IC 31-34-8-4, and IC 31-37-9-5, means a determination regarding the status of a report made under IC 31-33 whenever facts obtained during an investigation of the report provide credible evidence that child abuse or neglect has occurred.

*As added by P.L.1-1997, SEC.1.*

**IC 31-9-2-124**

Sec. 124. "Support enforcement agency", for purposes of the

Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-23.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-125**

Sec. 125. (a) "Support order", for purposes of IC 31-16-16, means any judgment, decree, or order of child support issued by a court, in Indiana or another state, that has jurisdiction over the support order. The term includes orders issued under IC 31-14 through IC 31-17.

(b) "Support order", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-24.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-126**

Sec. 126. "Surrogate", for purposes of IC 31-20, means a party to a surrogate agreement who agrees to bear or bears a child that is genetically related to:

- (1) the party who agrees to bear or bears the child and an intended biological parent;
- (2) an intended biological parent and a gamete donor who is not:
  - (A) an intended biological parent; and
  - (B) the spouse of the party who agrees to bear or bears the child; or
- (3) two (2) intended biological parents of the child.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-127**

Sec. 127. "Surrogate agreement", for purposes of IC 31-20, means an agreement that is entered into before the birth of a child between a surrogate and one (1) or more parties and that is intended by the parties at the time that the agreement is made to induce the surrogate to relinquish care, custody, and control over the child at birth to any of the following:

- (1) An intended biological parent of the child.
- (2) An intended biological parent of the child and another person who is not:
  - (A) genetically related to the child; and
  - (B) the surrogate's spouse.
- (3) Two (2) intended biological parents of the child.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-128**

Sec. 128. "System", for purposes of IC 31-33-20, refers to the automated child protection system.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-129**

Sec. 129. (a) "Team", for purposes of IC 31-33-3, refers to a community child protection team appointed under IC 31-33-3.

(b) "Team", for purposes of IC 31-34-24, has the meaning set forth

in IC 31-34-24-2.

(c) "Team", for purposes of IC 31-37-24, has the meaning set forth in IC 31-37-24-2.

*As added by P.L.1-1997, SEC.1. Amended by P.L.55-1997, SEC.12.*

#### **IC 31-9-2-130**

Sec. 130. "Title IV-D agency" means:

(1) the child support bureau created within the division of family and children as the single state agency to administer the child support provisions of Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669); or

(2) a designated agent of the bureau described in subdivision (1).

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-131**

Sec. 131. "Tribunal", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-25.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-132**

Sec. 132. "Unsubstantiated", for purposes of IC 31-33 and IC 31-39-8-4, means a determination regarding the status of a report made under IC 31-33 whenever facts obtained during an investigation of the report provide credible evidence that child abuse or neglect has not occurred.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-133**

Sec. 133. (a) "Victim of child abuse or neglect", for purposes of IC 31-32-11-1 and IC 31-33, refers to a child in need of services as described in:

(1) IC 31-34-1-1 through IC 31-34-1-5;

(2) IC 31-34-1-10; or

(3) IC 31-34-1-11.

(b) The term does not include a child who is alleged to be a child in need of services if the child is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts.

*As added by P.L.1-1997, SEC.1.*

#### **IC 31-9-2-134**

Sec. 134. "Voluntary information", for purposes of IC 31-19-18, means the information transmitted to the state registrar as provided in IC 31-19-18-3.

*As added by P.L.1-1997, SEC.1.*